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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/603,601	06/26/2000	James D. Marks	20759/100G691-US2	3416

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EXAMINER
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RIMELL, SAMUEL G

ART UNIT	PAPER NUMBER
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2164

MAIL DATE	DELIVERY MODE
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01/11/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

### Application No.

09/603,601

### Applicant(s)

MARKS, JAMES D.

### Examiner

Sam Rimell

### Art Unit

2164

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6,8-10,12-14,23-35,51 and 61-68 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8-10,12-14,23-35,51 and 61-68 is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

  
**SAM RIMELL**  
**PRIMARY EXAMINER**

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by TheBody.com.

Preliminary Note: The applied prior art is a set of screen shots obtained from the web site “The Body.com”. The screen shots were obtained from the website [www.archive.org](http://www.archive.org) which maintains archives of various web sites. The particular screen shots applied as prior art were archived on March 4, 1998 from the website “The Body.com”. Eight pages of screenshots are provided , numbered 1-8 in the top right corner of each page. Based on either the March 4, 1998 archiving date or the last update time of January 16, 1998 printed on page 1, this prior art is applicable under 35 USC 102(b).

Claim 1: As seen from page 1, The Body.com is an interactive network site on the Internet. Network sites on the Internet are inherently hosted by servers. As seen form pages 4-6, various experts are provided on the site to answer questions from users on various pre-determined subject matter. Examples of the pre-determined subject matter are illustrated on pages 4-5, and include subject matter such as treatment, prevention, legal, mental health, etc. Each individual area of subject matter constitutes a forum. As seen on page 4, some of the experts, such as Judith S. Currier, M.D. appear in two different forums (the forum for “treatment” and the forum for “opportunistic infections”).

As seen from the lower portion of page 6, any given forum can receive two or more questions. Since the mechanism of communication is the Internet, the questions are inherently

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received via servers and routed to the experts. As seen on page 6, each expert has their own unique expert interface in which they list questions for which they have provided an answer, as well as the biography of the expert. Accordingly, each expert interface is unique to each expert.

Questions are posted at the bottom of page 6 and answers to those questions are obtained by clicking the hyperlink describing the question. The posting of the answers on any of the forums are inherently produced having the expert write the answer to the question and issuing a command to post the answer on the forum, otherwise, neither the questions nor the answers would appear. This occurs for every question and every answer within the entire website.

The “peer reviewers” can be considered to be the non-expert individuals who participate in the forum, and those “peer reviewers” inherently receive the answers when they are posted by any one of the experts.

Payments are provide by third parties, as shown on page 7 by the sponsors who sponsor the website and also provide advertising to the website (page 2). Sponsorship directly indicates financial support to operate the website. Each of the sponsors are third parties which provide products and/or services.

Claim 2: In the context of a method, what a payment “represents” carries no patentable weight. Nonetheless, it is clear from a review of page 7 that sponsoring corporations provide financial support to render the website operational, and thus accessible to users who post questions.

Claim 3: Each of the third parties illustrated on page 7 are well known drug manufacturers. The alternatives of medical insurance providers and health maintenance organizations are optional, since the claim is only limited one of the options.

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Claim 4: As seen on page 2, the websites provide links to the third parties who sponsor the website. One of the links (“Chiron..Visit Signals Newsletter online”) is an invitation to contact a newsletter associated with one of the third parties. If a web user views any of the websites associated with a third party, the third party server will obtain the IP address of the contacting computer, which is transmitted personal information.

Claim 5: An IP address is identification information.

Claim 6: If a user does not contact any of third parties by clicking on their links, then their IP address would not reach any server associated with the third party.

Claims 8-10, 12-14, 23-35, 51 and 61-68 are allowed.


Remarks

Applicant's amendments to claim 1 have not overcome the applied grounds of rejection. The “peer reviewers” can be read as the non-expert individuals who participate in the forums and who review and read the answers which are available on the forum. These answers are available at the computer interfaces of any non-expert user who participates in any one of the forums.

Applicant's amendments to claim 28 have overcome the prior art of record.

This action follows the filing of an RCE request and is made non-final.

Any inquiry concerning this communication should be directed to Sam Rimell at telephone number (571) 272-4084.

  
Sam Rimell  
Primary Examiner  
Art Unit 2164